

# **WEST VIRGINIA LEGISLATURE**

## **2021 REGULAR SESSION**

**Introduced**

### **House Bill 2513**

BY DELEGATE FOSTER

[Introduced February 15, 2021; Referred to the  
Committee on Government Organization]

1 A BILL to amend and reenact §64-12-1, §64-12-2, §64-12-3 and §64-12-4 of the Code of West  
2 Virginia, 1931, as amended; relating generally to repealing certain legislative, procedural,  
3 and interpretative rules promulgated by certain agencies, boards, and commissions which  
4 are no longer authorized or are obsolete; authorizing certain agencies under the  
5 Department of Administration, Department of Health and Human Resources, Department  
6 of Revenue, and Department of Commerce to repeal certain legislative, procedural, and  
7 interpretative rules; repealing the Board of Risk and Insurance Management legislative  
8 rule relating to discontinuation of professional malpractice insurance; repealing the  
9 Department of Health and Human Resources legislative rule relating to DUI safety and  
10 treatment; repealing the Department of Health and Human Resources legislative rule  
11 relating to incorporation of the social services manual; repealing the Department of Health  
12 and Human Resources legislative rule relating to operating rules and regulations for the  
13 West Virginia Commission on Children and Youth; repealing the Department of Health  
14 and Human Resources legislative rule relating to state child fatality review team and  
15 county multidisciplinary review teams; repealing the Insurance Commissioner legislative  
16 rule relating to emergency medical services; repealing the Insurance Commissioner  
17 legislative rule relating to diabetes regulations; repealing the Racing Commission  
18 procedural rule relating to dispute resolution procedures; repealing the State Tax  
19 Department interpretative rule relating to tax shelter voluntary compliance program;  
20 repealing the State Tax Department interpretative rule relating to preference for  
21 determining successful bids; repealing the State Tax Department procedural rule relating  
22 to tobacco products excise tax on floorstocks; repealing the State Tax Department  
23 legislative rule relating to West Virginia Film Industry Investment Act; repealing the State  
24 Tax Department legislative rule relating to residential solar energy tax credit; repealing the  
25 State Tax Department legislative rule relating to Business Franchise Tax; repealing the

26 Division of Labor legislative rule relating to hazardous chemical substances; and repealing  
27 the Division of Labor legislative rule relating to Commercial Bungee Jumping Safety Act.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 12. REPEAL OF UNAUTHORIZED AND OBSOLETE RULES.**

**§64-12-1. Department of Administration**

**Board of Risk and Insurance Management**

1 The legislative rule effective April 14, 1992, authorized under the authority of §29-12-5 of  
2 this code, relating to the Board of Risk and Insurance Management (discontinuation of  
3 professional malpractice insurance, 115 CSR 04), is repealed.

**§64-12-2. Department of Health and Human Resources**

1 (a) The legislative rule effective May 4, 2012, authorized under the authority of §22-1-3 of  
2 this code, relating to the Department of Health and Human Resources (DUI safety and treatment,  
3 64 CSR 98), is repealed.

4 (b) The legislative rule effective July 1, 1986, authorized under the authority of §49-2-121  
5 of this code, relating to the Department of Health and Human Resources (incorporation of the  
6 social services manual, 78 CSR 04), is repealed.

7 (c) The procedural rule effective March 15, 1986, authorized under the authority of §49-2-  
8 121 of this code, relating to the Department of Health and Human Resources (operating rules and  
9 regulations for the West Virginia Commission on Children and Youth, 79 CSR 01), is repealed.

10 (d) The procedural rule effective December 1, 2001, authorized under the authority of §49-  
11 2-121 of this code, relating to the Department of Health and Human Resources (state child fatality  
12 review team and county multidisciplinary review teams, 64 CSR 20), is repealed.

**§64-12-3. Department of Revenue**

**(a) Insurance Commissioner**

1 (1) The legislative rule effective May 16, 1997, authorized under the authority of §33-2-10  
2 of this code, relating to the Insurance Commissioner (emergency medical services, 114 CSR 50),

3 is repealed.

4 (2) The legislative rule effective May 16, 1997, authorized under the authority of §33-2-10  
5 of this code, relating to the Insurance Commissioner (diabetes regulation, 114 CSR 52), is  
6 repealed.

**(b) Racing Commission**

7 The procedural rule effective September 30, 1991, authorized under the authority of §19-  
8 23-6 of this code, relating to the Racing Commission (dispute resolution procedures, 178 CSR  
9 04), is repealed.

**(c) State Tax Department**

10 (1) The interpretative rule effective August 26, 2006, authorized under the authority of §11-  
11 10E-2 of this code, relating to the State Tax Department (tax shelter voluntary compliance  
12 program, 110 CSR 10E), is repealed.

13 (2) The interpretative rule effective October 12, 1992, authorized under the authority of  
14 §5A-3-37 of this code, relating to the State Tax Department (preference for determining  
15 successful bids, 110 CSR 12C), is repealed.

16 (3) The legislative rule effective May 11, 2010, authorized under the authority of §11-13X-  
17 9 of this code, relating to the State Tax Department (West Virginia Film Industry Investment Act,  
18 110 CSR 13X), is repealed.

19 (4) The procedural rule effective June 16, 2003, authorized under the authority of §11-10-  
20 5 of this code, relating to the State Tax Department (tobacco products excise tax on floorstocks,  
21 110 CSR 17A), is repealed.

22 (5) The legislative rule effective May 11, 2010, authorized under the authority of §11-13Z-  
23 3 of this code, relating to the State Tax Department (residential solar energy tax credit, 110 CSR  
24 21D), is repealed.

25 (6) The legislative rule effective April 15, 1992, authorized under the authority of §11-10-  
26 5 of this code, relating to the State Tax Department (Business Franchise Tax, 110 CSR 23), is

27 repealed.

**§64-12-4. Department of Commerce**

**Division of Labor**

1 (1) The legislative rule effective April 25, 1984, authorized under the authority of §21-3-18  
2 of this code, relating to the Division of Labor (hazardous chemical substances, 42 CSR 04), is  
3 repealed.

4 (2) The legislative rule effective April 1, 1996, authorized under the authority of §21-12-3  
5 of this code, relating to the Division of Labor (Commercial Bungee Jumping Safety Act, 42 CSR  
6 23), is repealed.

NOTE: The purpose of this bill is to repeal certain legislative, procedural, and interpretative rules promulgated by certain agencies, boards, and commissions which are no longer authorized or are obsolete.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.